

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Reggie Garbutt

Cr.: 01-00006-002

Name of Sentencing Judicial Officer: Katharine S. Hayden

Date of Original Sentence: 09/15/03

Original Offense: Count 1: Armed Robbery; Count 2: Use of Firearm During a Violent Crime

Original Sentence: Imprisonment 60 months; Supervised Release 3 years; Special Conditions: Alcohol and Drug Treatment, Financial Disclosure, No New Credit

Type of Supervision: Supervised Release

Date Supervision Commenced: 06/13/05

Assistant U.S. Attorney: Mark Agnifilo

Original Defense Attorney: Melinda Taylor Hawkins (Appointed)

PETITIONING THE COURT

- [] To issue a warrant
[X] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>The offender has violated the supervision condition which states 'You shall not commit another federal, state, or local crime.'</p> <p>On September 29, 2006, the offender received a summons for public drinking from the Jersey City Police Department (JCPD). On October 16, 2006, he pled guilty to the charge and was fined \$56.</p> <p>On April 24, 2007, the offender was arrested by the New York City Police Department (NYPD) and charged with possession/selling unstamped cigarettes. On May 25, 2007, the offender failed to appear to a pre-arraignment hearing and a warrant was issued for his arrest.</p>
2	<p>The offender has violated the supervision condition which states 'You shall not leave the judicial district without the permission of the Court or Probation Officer.'</p> <p>When the offender was arrested by the NYPD on April 24, 2007, he was in New York City, New York. The offender never asked for or was given permission to travel outside the District of New Jersey on this date.</p>

3 The offender has violated the supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

No monthly supervision reports have been received from the offender since October 2006.

4 The offender has violated the supervision condition which states '**You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.**'

The defendant has failed to make efforts to be employed since March 2007.

5 The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

Sometime in March 2007, the offender discontinued his employment at Pro Shop Electronics in Jersey City but never informed the probation office.

6 The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

The offender never informed the probation office of the public drinking summons he received by the JCPD on September 29, 2006, nor did he ever inform the probation office of his arrest by the NYPD on April 24, 2007. It was only after the probation officer confronted him about these charges at a much later time that he admitted to these arrests.

7 The offender has violated the supervision condition which states '**You shall refrain from the unlawful use of any narcotic or controlled substance.**'

The offender tested positive for phencyclidine (PCP) on February 20, 2007.

8 The offender has violated the supervision condition which states '**The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.**'

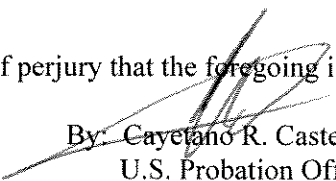
Following his positive drug test for PCP on February 20, 2007, the offender was referred for random urine testing at Kaleidoscope Health Center in Jersey City in April 2007. The offender failed to appear for drug testing on April 5th, April 10th, April 19th, May 7th, or May 23rd. In fact, he never once reported to the program as directed.

9

The offender has violated the supervision condition which states 'As a condition of supervision, you are instructed to pay restitution in the amount of \$40,000 to U.S. Treasury; it shall be paid in the following manner: \$50 monthly.'


Despite being reminded about his restitution obligation on numerous occasions and directed to make, small "good faith" payments, the offender has only paid a total of \$50 toward this obligation. In fact, no payments have been received since June 2005.

I declare under penalty of perjury that the foregoing is true and correct.

By: 
Cayetano R. Castellano
U.S. Probation Officer
Date: 06/20/07

THE COURT ORDERS:

- ☒ The Issuance of a Summons. Date of Hearing: 8/3/07
☐ The Issuance of a Warrant
☐ No Action
☐ Other



Signature of Judicial Officer

7/2/07

Date